

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THERMO FINNIGAN LLC,)	
)	
Plaintiff and)	
Counterclaim Defendant,)	
)	Civil Action No. 04-1505-GMS
v.)	
)	
APPLERA CORPORATION,)	
)	
Defendant and)	
Counterclaim Plaintiff.)	

THERMO'S MOTION FOR CLAIM CONSTRUCTION

Thermo Finnigan, LLC, by and through its undersigned counsel, hereby moves pursuant to *Markman v. Westview Instruments*, 517 U.S. 370 (1996) for an order construing the disputed claim terms found in the patent in suit (U.S. Patent No. 5,385,654) in a form substantially similar to the attached Order. The grounds for this motion are set forth in the Thermo's Opening Markman Brief and Appendix filed contemporaneously herewith.

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January 20, 2006



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CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2006, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filings, and hand delivered, to the following:

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I hereby certify that on January 20, 2006 I sent the foregoing document by Federal Express, next business day delivery, to the following non-registered participants:

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